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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,348	09/12/2003	Kim Tempest	19467-00009	6748

7590 07/14/2005

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EXAMINER

FERNSTROM, KURT

ART UNIT PAPER NUMBER

3714

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

<b>Office Action Summary</b>	<b>Application No.</b> 10/661,348	<b>Applicant(s)</b> TEMPEST ET AL.	
	<b>Examiner</b> Kurt Fernstrom	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/17/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2, 4, 6, 10-13, 15, 17, 21, 22, 23, 25, 27, 31-34, 36, 38, 42, 43, 45, 46 and 48 are rejected under 35 U.S.C. 102(a) as being anticipated by Falconer. Falconer discloses in Figures 1A and 1B and in the specification a gaming apparatus and method of playing comprising a plurality of games 56 which operate independently of and simultaneously with each other, for approximately the same duration. Any of the games 56 can be designated as a “primary game” or a bonus indicator”, as there is no particular structure to a primary game or a bonus indicator which is not read on by the Falconer disclosure. With respect to the language pertaining to going on to a bonus round, Falconer discloses that a winner of any of the games receives additional credits, and thus goes on to a bonus round. With respect to claims 2, 4, 6, 13, 15, 17, 23, 25, 27, 34, 36 and 38, the primary game and the bonus game each comprises a plurality of reels 34 which displays symbols such that the game is won when a predetermined combination of symbols is achieved. With respect to claims 10, 21, 31, 42 and 45, Falconer discloses that the outcome of the bonus game is completely independent of the outcome of the primary game. With respect to claims 12 and 33, any prize,

including the credits of Falconer, can be said to be a "promotional item". With respect to claims 43 and 46, the credits of Falconer are a predetermined prize.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5, 14, 16, 24, 26, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falconer in view of Cannon. Falconer discloses all of the limitations of the claims with the exception of the bonus indicator being a roulette type wheel. However, such bonus games are known, as shown for example in column 9, lines 1-9 of Cannon. It would have been obvious to one of ordinary skill in the relevant art to modify the device and method of Falconer by providing a bonus indicator in the form of a roulette wheel for the purpose of varying game play and enhancing interest in the gaming.

Claims 7-9, 18-20, 28-30 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falconer in view of McClintic. Falconer discloses all of the limitations of the claims with the exception of the linking of a gaming machine to other machines to be monitored by a casino system. Such systems are well known, as disclosed for example by McClintic in column 6, lines 30-59 of the specification. It would have been obvious to one of ordinary skill in the relevant art to modify the device

and method of Falconer by providing a system linking a plurality of gaming machines for the purpose of allowing a casino to monitor and control a plurality of machines from a central location.

Claims 44 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falconer in view of Cole. Falconer discloses all of the limitations of the claims with the exception of the bonus prize being random. Randomly determined prizes are well known in the art, as disclosed for example by Cole in column 6, line 58 to column 7, line 46 of the specification. It would have been obvious to one of ordinary skill in the relevant art to modify the device and method of Falconer by providing a random bonus prize system for the purpose of enhancing interest in the gaming.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baerlocher, Luciano, Olsen, Glavich, Rowe, Hughs-Baird, Perrie, Seelig and Adams disclose various gaming machines comprising bonus features.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (571) 272-4422. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on (571) 272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KF  
July 12, 2005

  
**KURT FERNSTROM**  
**PRIMARY EXAMINER**